

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EUROSESMILLAS, S.A.,
Plaintiff,

v.

PLC DIAGNOSTICS INC., et al.,
Defendants.

Case No. [17-cv-03159-MEJ](#)

STATUS ORDER

This matter is currently scheduled for a Case Management Conference (CMC) on October 26, 2017. Defendants filed a unilateral CMC Statement informing the Court of their difficulty in contacting Plaintiff, and of representations by Plaintiff's attorney that Plaintiff was in the process of finding substitute counsel. *See* CMC Stmt., Dkt. No. 37; Kahn Decl., Dkt. No. 38. A new attorney substituted in to represent Plaintiff on October 20, 2017. Order re Sub. of Attorney, Dkt. No. 41. As of the date of this Order, Plaintiff's new counsel has not responded to the unilateral CMC, or requested a continuance of the CMC.

Counsel for Plaintiff substituted in the action after the deadline for filing the joint CMC statement. The Court nonetheless reserves its right to sanction Plaintiff and/or Plaintiff's former counsel for their failure to participate in the preparation and filing of a joint CMC Statement, and their failure to apprise the Court (and opposing parties) of the need for a continuance of the CMC.

In addition, Defendants have filed third party claims against two new individuals. *See* Third Party Compl., Dkt. No. 31. Those individuals have not yet appeared, and have not yet consented to the jurisdiction of the undersigned.

The Court VACATES the conference and ORDERS all parties who have appeared in the action to meet and confer regarding the most efficient approach to litigating this matter, including

any time Plaintiff's new counsel needs to familiarize himself with the case, the utility of holding a CMC before the third party defendants have responded to the third party complaint and have consented to the undersigned's jurisdiction, and any other issues relevant to the management of the action. The parties shall file a joint status report by November 2, 2017.

IT IS SO ORDERED.

Dated: October 23, 2017



MARIA-ELENA JAMES
United States Magistrate Judge